

JUL 06 2007

Application No.: 10/517,465

Art Unit: 2832

Docket No.: TAW-011US

REMARKS

In this Response, Applicants amend independent claim 1. Claims 1-3, 5-13, 15 and 18-23 are currently pending, of which claims 1, 5, 6, 8, 10 and 11 are independent. No new matter has been introduced. Support for the claim amendments can be found in Figure 1(a) of the instant application. Applicants respectfully submit that the pending claims define over the art of record.

Applicants note with appreciation that the Examiner deems claims 5-13, 15 and 18-23 to recite allowable subject matter (Office Action, paragraph 3).

Rejection of Claims 1-3 under 35 U.S.C. §102

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being unpatentable over United States Patent Number 5,107,235 to Torres-Isea (hereafter "Torres-Isea"). Applicants respectfully traverse the 35 U.S.C. §102(b) rejections of claims 1-3 as set forth below.

The Torres-Isea reference is generally directed to a current driven actuator with coupled thermal and magnetic actuating elements (Torres-Isea, abstract). The actuating elements are coupled together to produce a resultant force on a movable trip actuator (Torres-Isea, abstract).

Applicants respectfully submit that the Torres-Isea reference fails to disclose at least the following feature of amended independent claim 1: "*said magnetic field generator being fixed to said resilient shape memory member*, such that one of said magnetic body and said magnetic field generator is stationary while the other is movable." The Examiner identified magnetic field generating coil 12 and shape-memory spring 10 in the Torres-Isea reference as disclosing the magnetic field generator and the shape memory member recited in claim 1, respectively (Torres-Isea, Figure 1).

The Torres-Isea reference teaches that the spring 10 is the thermal force generating element and that the coil 12 is the magnetic force generating element (Torres-Isea, column 2, lines 38-41). The spring 10 urges the armature 14 toward the coil 12 against the force of the bias spring 16 (Torres-Isea, column 2, lines 48-50). As illustrated in the figures of the Torres-Isea reference, the *spring 10 is attached to the armature 14*. The spring 10 is not fixed to coil 12 at

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any point (Torres-Isea, Figure 1). In contrast, amended claim 1 requires that the *magnetic field generator be fixed to the resilient shape memory member*. The Torres-Isea reference does not disclose such an arrangement, and therefore does not disclose "*said magnetic field generator being fixed to said resilient shape memory member*, such that one of said magnetic body and said magnetic field generator is stationary while the other is movable," as recited in claim 1.

In view of the foregoing amendments and arguments, Applicants respectfully request reconsideration and allowance of claim 1.

Claims 2 and 3 depend upon claim 1, and add separate and patentable limitations to claim 1. As such, for this and the reasons set forth above, Applicants respectfully submit that the dependent claims also define over the art of record.

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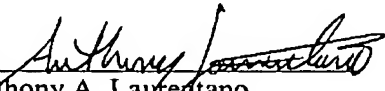
CONCLUSION

In view of the foregoing amendments and arguments, Applicants believe the pending application is in condition for allowance.

Applicants believe that no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TAW-011US from which the undersigned is authorized to draw.

Dated: July 6, 2007

Respectfully submitted,

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